

## CONTEST BY CARBIS

Republican's Effort to Secure County Treasuryship.

## DEMANDS A RECOUNT

DALE HAS CERTIFICATE AND WILL QUALIFY.

Instead of adhering to his oft-repeated declaration that he would abide by the official announced result of the election, which made William H. Dale the duly elected treasurer of Salt Lake county, W. O. Carbis, the nominee of the Republican party, has determined to contest Mr. Dale's right to take or hold the office for which he has a certificate of election, showing prima facie that he has been regularly elected over Mr. Carbis. It is alleged that Mr. Carbis has discovered what he believes to be sufficient evidence to warrant him in demanding a recount of the votes in certain districts for him and his opponent.

The notice of contest, in the nature of a petition for such order of court as are usually made in election contest cases, was filed with the county clerk late yesterday afternoon by Attorney George L. Nye, representing Mr. Carbis. None of the district judges were around the matter of directing a citation to issue to the contestant, requiring him to appear and defend the contest at a date not more than thirty and not less than ten days hence was deferred until today.

In support of the petition for an order of court authorizing a recount of the ballots in the various districts, the Republican party is alleged to have occurred several times to change the result, it is charged that the contestant is entitled to a recount of the election returns that the contestant is entitled to the certificate of election, which has been issued to Dale, for these reasons:

**Irregularities Alleged.**  
That in voting district 2 two straight Republican votes were thrown out by the judges and not counted, whereby Carbis lost two votes.

That in district 9 one Republican vote was marked with an X and not counted because of an alleged error in marking the ballot, thereby losing another vote to Carbis.

That in district 13 three straight Republican votes and in district 2 five straight Republican votes were thrown out because the cross beneath the party emblem was not placed in the prescribed circle, although the cross was placed in the circle and in a manner to clearly indicate the intention of the voters to vote the Republican ticket, including the contestant, thereby losing him eight more votes.

That in district 22, in figuring up the votes, the tally sheets five votes were credited to Dale to which he was not entitled in excess of the actual number of votes cast for him, and that there were not enough votes cast in this district to authorize the total vote for county treasurer to be given to Dale.

That in district 29 C. W. Drew, Mrs. C. W. Drew, and Mrs. C. W. Drew, who were permitted to vote and cast their ballots, but that they were not counted, and that Dale is pleaded in the petition that in this district, where Dale received a majority of 10 votes, there is no way to determine the ballots to be rejected on account of such irregular voting, and therefore the vote of the entire district should be thrown out and not counted.

**Judges Went Home.**  
That in district 41 the election judges, in violation of law, locked up the votes from room and separated and separated them to their homes before completing the count of votes cast. In this district it is alleged that Dale received a majority of 107 votes over Carbis, a larger majority than any of the other candidates in the Democratic ticket received.

That in district 49 nine votes cast for Carbis were erroneously counted for Dale, as a recount of the ballots in this district will show.

In district 42 Carbis has not received credit for all of the votes cast for him, and that Dale was credited with five more votes than he was entitled to.

That in district 38 the election was conducted irregularly and therefore the entire vote of the district should be thrown out for the reason alleged that Thomas Anderson, candidate for county recorder, was permitted to remain in the voting room near the ballot box and solicit votes, contrary to law, and that in further violation of law he acted as one of the judges in counting and tallying the ballots.

Exclusive of the votes in the two districts carried by Dale by large majorities, districts 29 and 38, Mr. Carbis contends that on a recount in court of the ballots in the other districts named he will gain forty-two votes and be elected by a majority of seven.

**Nice Law Point.**  
A nice point of law is involved in the question of when the contest of Mr. Carbis should have been commenced. The law states that any defeated candidate shall have forty days from the "return" date of an election at which to file a contest suit. Several of the attorneys whose attention has been called to the matter are of the opinion that the return date is the day after election, when the official returns must be delivered to the county clerk in sealed packages. If this contention is right, the forty days expired on Dec. 8. A broader interpretation of the law and the one to which Mr. Carbis attorney adheres is that the return date is the day the canvassing board of judges declared the result of the election.

This was done on Nov. 21, and if the court should hold that the forty days run from that date, Mr. Carbis has ample time for commencing his contest.

It is understood that Senator Arthur Brown will be associated with Attorney Nye in the trial of the case. The Republican party has, it is stated, given its endorsement to the contest, but whether any part of the costs will be paid by the committee is not known.

The only statement which Mr. Carbis consented to make for publication was that he was of the unqualified opinion he had not been fairly defeated by his opponent, but he would be satisfied and he was not entirely surprised when told that the contest suit would be started, and he was advised with his attorney, Mr. Carbis, not to be prepared to say what his course of election to the office he believes, his titles him to file his official bond and to leave for Salt Lake, leaving to the court to determine when, if at all, he shall vacate for Mr. Carbis.

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The case came up on appeal from Judge Barnes' court on a sustaining of a demurrer that the district court is without jurisdiction to try and determine a contest for a seat in the state senate, the official returns from the Third senatorial district, comprising the counties of Rich, Morgan and Davis, showing his election over Ellison. The contest was instituted by Ellison in the lower court on the grounds of malfeasance on the part of certain of the election judges, the reception of illegal votes, and errors by one of the boards of canvassers in declaring the result.

The relief asked for from the court involved the hearing of testimony as to the matters alleged, including the investigation of the returns and comparing the same with the official returns of the district. Mr. Barnes was declared elected by a majority of one and given his certificate of election, which was declared by a majority of twenty.

The only question raised from the ruling of the lower court presented to the supreme court is that of the jurisdiction of the judiciary to entertain an election contest when the official returns of a member of the legislature, as shown on the official tally sheet, are in the lower court, and the contestant of the law authorizing contests in court on the election of a member of the legislature.

The arguments on behalf of the appellant were made by E. R. Critchlow and P. L. Williams, and on behalf of the respondent by O. W. Powers and J. H. Hurd. Mr. Hurd, who is counsel for the respondent, and D. H. Wenger, for appellant, are associated with counsel in the preparation of the case.

At the conclusion of the arguments the case was taken under advisement by the court and an early decision is anticipated.

## SALT LAKE MARKETS.

The following prices on farm products are being paid in Salt Lake. The quotations were secured from some of the most reliable dealers in the city:

## Grain.

Wheat, 47½ to 50 cents per bushel.  
Oats, \$1.05 to \$1.10 per cwt.  
Rye, \$5 to 90 cents per cwt.  
Barley, 70 to 75 cents per cwt.  
Barley (brewing), \$1.00 to \$1.05 per cwt.

## Flour.

High patent, \$1.60 per cwt.  
Straight grade, \$1.40 per cwt.  
Family, \$1.25 per cwt.

## Hay.

Timothy, per ton, \$11 to \$12.  
Lucern, per ton, \$9 to \$10.

## Meats.

Good steers on the hoof, \$3.25 to \$3.50.  
Cows and heifers, \$2.50 to \$2.75.  
Veal, prime, dressed, 8 to 9½ cents.  
Muttons, weathers, 2½ to 3 cents; ewes, 2¼ to 2½ cents.  
Lamb, dressed, 7½ cents.  
Hams, 11½ cents.  
Bacon, 13 cents.  
Pork, 5¼ to 6½ cents.

## Poultry.

Hens, live, 7 cents.  
Hens, dressed, 10 to 11 cents.  
Roosters, live, 5 to 6 cents.  
Roosters, dressed, 8 cents.  
Spring chickens, live, 8 cents.  
Spring chickens, 11 to 12 cents.  
Turkeys, live, 10 cents.  
Turkeys, dressed, 11½ to 12½ cents.

## Hides and Wool.

Dry flint beef hides, 11 to 14 cents.  
Green beef hides, 5 to 5½ cents.  
Green salt hides, 6 cents.  
Dry full wool sheep hides, 9 cents per pound.  
Shearings, 30 to 50 cents.

## Dairy Products.

Butter, 16 to 20 cents.  
Cheese, full cream, 12½ to 15 cents.  
Eggs, 25 to 30 cents.  
Wool, 11 to 12 cents.  
Beeswax, 20 to 22 cents.  
Tallow, 2½ to 3 cents per pound.

## Fruits and Vegetables.

Navy beans, per pound, 4½ cents.  
Lima beans, per pound, 6 to 7 cents.  
New turnips, 35 to 40 cents.  
New cabbage, per pound, 2 cents.  
Onions, 75 to 85 cents.  
Radishes, 35¢ per doz.  
Prune's sprouts, 12¢ per pound.  
Cauliflower, 8 to 10 cents.  
Carrots, 40 cents per bushel.  
Apples, \$1.25 to \$1.35 per bushel.  
Celery, 35 to 40 cents per dozen.  
Parsnips, 50 cents per bushel.  
New beets, 40 cents per bushel.  
Potatoes, 35 to 50 cents.

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## SPORTS

Pugilism.

## FIGHT AT CINCINNATI.

No Truth in the Report That It Was Been Declared Off.

Cincinnati, O., Dec. 26.—The city officials, as well as the officers and members of the Saengerfest Athletic club say there is no truth in the reports being circulated in New York and elsewhere about the fight between James J. Jeffries and Gus Ruhlin, scheduled for Feb. 15 in Cincinnati, being declared off. Those in charge of the arrangements are proceeding with the remodeling of the big Saengerfest hall, and with all other arrangements, and they have no intimation of any changes whatever in the programme. Mayor Julius Fleischmann stated for publication tonight that he had given his word that he would issue the permit for the fight, and he proposed to do so.

President W. M. Hobart of the board of directors of the Saengerfest Athletic club stated tonight that there was no doubt whatever about the fight being quilled off here in February, and he cannot understand why William A. Brady has been misadvised or misquoted in New York. President Hobart explained the only way up the ladder to the first of next week. Gus Ruhlin has an option for training quarters on the Kentucky side of the river near the city, and it is reported that Jeffries will train at West Baden. There is bitter opposition to the fight here on the part of certain people, and some of those who are opposed to it suspect that false information may have been sent to Brady in the name of the club by some one who is not connected with it, or in any manner authorized to speak for it.

**No Truth in Statement.**  
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## Aquatics.

Defender's Keel Cast.

Bristol, R. I., Dec. 25.—The work of uncovering the keel board for the new cup defender, which is in progress of construction here, was begun today. A large amount of clay had been banked against the keel board to keep it from spreading during the cooling of the lead, and much work will be necessary to remove this. The next step will be cleaning and trimming up the keel. Work on the angle line for the smaller frame at bow and stern is progressing rapidly, as is the boring of bolt holes in the T-iron bracing plates for the hull. The large angle irons for the midship section are expected to arrive tonight, and the work of setting up the boat's frame will be commenced as soon as the keel is ready.

## Wales and V. William Invited.

London, Dec. 27.—The New York Yacht club, says the Daily Express, "will invite Emperor William and the Prince of Wales to witness the cup races, and President McKinley will also send notes expressing the pleasure their visits would give."

Sir Thomas Lipton, who has been interviewed on the subject for the Daily Express, said in a letter that it is within the range of possibility that the Prince of Wales would accept such an invitation.

## Miscellaneous.

"E" Wins Bet.

A bet B that he knows more about a certain thing than any man in the house. B picks his man. They were to meet the next day to decide the bet. B and his man are present at the time and place appointed, but A was not. A afterwards told the stakeholder not to pay over the money, saying he could hold it over until the resurrection day. Can he do this?

S. W. POTTS.

Maybe he can if he lives until resurrection day and isn't held up in the meantime, but he shouldn't. He should pay the bet to B.

## Roeder and Pons Matched.

New York, Dec. 25.—Ernest Roeder, champion wrestler of America, and Paul Pons, the French champion, who were matched on Dec. 17 to wrestle for the championship of the world, will meet in their contest on the night of Wednesday, Feb. 6, at Madison Square Garden.

## Irish Home of President McKinley.

(New York Mail and Express.)  
Conagher is on the road between Ballymoney and Dervick, in the county Antrim, and the old farmhouse in which he has visitors on account of its typical picturesqueness and because it is the original home of the McKinnies, the family from which William McKinley was again elected president of the United States. No member of the family has occupied the house for sixty years past, when the then owner, in 1828, went to America to join various members of his family who had previously migrated. Mr. Thomas Conagher, an Irishman, is now the owner of the house, and he is the only one of the McKinnies who remains in Ireland. The first McKinley known to history was the Irish-born Francis, who in 1728, was suspected of complicity in the

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